

ABCA-Rec'd 1/1/02  
# 9736

AGREEMENT

Made this 28 day of January, 2002 by and between Evergreen, Inc., t/a Roland's of Capitol Hill, (the Applicant), and Advisory Neighborhood Commission 6B, (the ANC).

WITNESSETH

WHEREAS, Applicant's application for a Retailers' Class "B" license for premises, 333 Pennsylvania Ave., SE ABC Application #9736, is now pending before the District of Columbia Alcoholic Beverage Control Board (ABC); and,

WHEREAS, the premises is within the boundaries of the ANC; and,

WHEREAS, the parties desire to enter into an agreement governing certain understandings regarding the issue of a Retailers' Class "B" Liquor License at the subject premises;

WHEREAS, ANC 6B finds that the sale of single containers of beer, of 40 ounces or less ("singles"), is associated with alcoholism, the illegal public consumption of alcohol, which, in turn, is associated with violence and other harmful and offensive behavior, including aggressive panhandling, and with the accumulation of destructive and publicly costly trash and litter; and,

NOW, THEREFORE, the parties agree as follows:

1. Applicant will prohibit and prevent loitering and panhandling within 100 feet of the establishment by:
  - a. maintaining a "No Loitering/No Panhandling" sign on the outside of the establishment; and,
  - b. posting a sign inside the establishment requesting customers not to contribute to panhandlers; and,
  - c. asking loiterers to move on whenever they are observed outside the establishment; and,
  - d. not installing an outdoor payphone outside the establishment and by opposing the efforts of any other party to install an outdoor payphone on or adjacent to the establishment.
2. Applicant will maintain the public space adjacent to the establishment in a clean and litter-free condition by:
  - a. picking up trash, including beverage bottles and cans, on a daily basis, or more often if needed.
  - b. sweeping the outside of the establishment on a daily basis, or more often if needed.
3. Applicant will not sell or provide single cups or single servings of ice.
4. Applicant will maintain the interior and exterior in a clean, well-painted and graffiti-free condition.

5. Applicant will participate in an ABC Board-approved course in alcoholic beverage sales management.
6. Applicant agrees to sell single containers of beer of 40 or fewer ounces ("singles") ~~[pint and half-pint~~ 16/5  
~~containers of liquor for Class A licenses]~~ only in clear or translucent plastic bags.
7. Applicant will not sell Singles after 9:00 pm on Monday, Tuesday, Wednesday or Thursday.
8. Applicant will not sell singles after 10:00 pm on Friday, Saturday or Sunday
9. Applicant agrees to stop the sale of singles when Gandel's Liquors and Capitol Hill Spirits agree to the same.
10. Applicant agrees to support and participate in the organization and operation of a Capitol Hill BID.
11. In consideration of, and reliance upon, the commitments reflected in above paragraphs, the ANC will not oppose the applicant's pending license application.
12. The parties further agree that any failure of Applicant to adhere to the foregoing commitment would constitute grounds for the ANC to petition the ABC Board for issuance of an order to show cause pursuant to 23 D.C.M.R. 1513.5.

IN WITNESS WHEREOF, the parties have affixed hereto their hands and seals.

APPLICANT:

ANC 6B:

By:

*Jin Young Kim*  
JIN Young Kim

By:

*Kenan Jarbee*  
Kenan Jarbee  
Chair, ANC 6B

#9736

AGREEMENT

Made this 13 day of ~~June~~ <sup>July</sup> 2000, by and between Evergreen Inc., t/a Roland's of Capitol Hill, (the Applicant), and Advisory Neighborhood Commission 6B, (the ANC).

WITNESSETH

WHEREAS, Applicant's application for a Retailers' Class "B" license for premises, 333 Pennsylvania Ave SE, ABC Application #9736, is now pending before the District of Columbia Alcoholic Beverage Control Board (ABC); and,

WHEREAS, the premises is within the boundaries of the ANC; and,

WHEREAS, the parties desire to enter into an agreement governing certain understandings regarding the issue of a Retailers' Class "B" Liquor License at the subject premises;

WHEREAS, ANC 6B finds that the sale of single containers of beer, of 40 ounces or less ("singles"), is associated with alcoholism, the illegal public consumption of alcohol, which, in turn, is associated with violence and other harmful and offensive behavior, including aggressive panhandling, and with the accumulation of destructive and publicly costly trash and litter; and,

WHEREAS, Applicant declares that ending the sale of single containers of beer of 40 or fewer ounces (which Applicant declares make up approximately 25% of the Applicant's sales of alcoholic beverages) will result in financial hardship and will severely limit the successful operation of the Applicant's business unless other nearby establishments do likewise;

NOW, THEREFORE, the parties agree as follows:

1. Applicant will prohibit and prevent loitering and panhandling within 100 feet of the establishment by:
  - a. maintaining a "No Loitering/No Panhandling" sign on the outside of the establishment; and,
  - b. posting a sign inside the establishment requesting customers not to contribute to panhandlers; and,
  - c. asking loiterers to move on whenever the applicant observes them outside the establishment or others inform the applicant that there are loiterers outside the establishment.
2. Applicant agrees to stop selling singles containers of beer (for consumption off the store's premise) of 40 ounces or less (i.e. "singles") when Gandel's Liquors and Capitol Hill Spirits also stop selling such items.

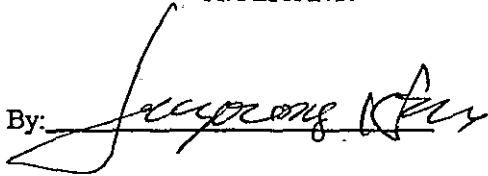
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3. Applicant will not sell singles after 9:00 p.m. on Monday, Tuesday, Wednesday or Thursday.
4. Applicant will not sell singles after 10:00 p.m. on Friday, Saturday, Sunday.
5. Applicant agrees he will support and participate in the organization and operation of a Capitol Hill BID.
6. The ANC hereby withdraws, rescinds, and retracts any and all allegations concerning the Applicant's lack of compliance with ABC regulations or statutes.
7. In consideration of, and reliance upon, the commitments reflected in paragraphs 1-6, the ANC hereby withdraws its opposition to the applicant's pending license application.
8. The parties further agree that any failure of Applicant to adhere to the foregoing commitment would constitute grounds for the ANC to petition the ABC Board for issuance of an order to show cause pursuant to 23 D.C.M.R. 1513.5.
9. The parties agree that this agreement replaces and supersedes the Agreement between Parties dated February 21, 1996.

IN WITNESS WHEREOF, the parties have affixed hereto their hands and seals.

APPLICANT:

By:



ANC 6B:

By:

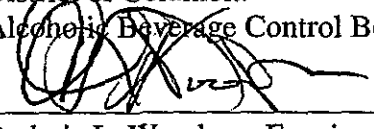


Accordingly, it is this 7<sup>th</sup> day of AUGUST 2000, **ORDERED** that:

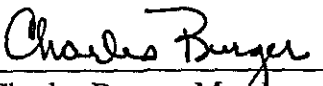
Evergreen, Inc.  
t/a Roland's of Capitol Hill  
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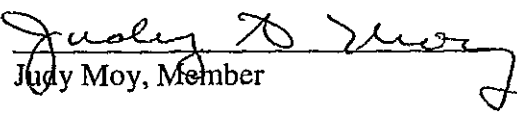
1. The opposition of Gottlieb Simon, Executive Director, on behalf of the Advisory Neighborhood Commission 6B, be, and the same hereby, is **WITHDRAWN**;
2. The application of Evergreen, Inc. t/a Roland's of Capitol Hill for a retailer's class B license (renewal), located at 333 Pennsylvania Avenue, S.E., be, and the same hereby, is **GRANTED**;
3. The above-referenced agreement between the parties, be, and the same hereby, is **INCORPORATED** as part of this **ORDER**, and:
4. Copies of this Order shall be sent to the Protestant and the Applicant.

District of Columbia  
Alcoholic Beverage Control Board

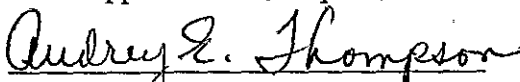
  
Roderic L. Woodson, Esquire, Chair

  
Vera Abbott, Member

  
Charles Burger, Member

  
Judy Moy, Member

Ellen Oppen-Weiner, Esquire, Member

  
Audrey E. Thompson, Member